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OFFICE OF PETITIONS

In re Application of :
James A. Campbell :
Application No.: 09/982592 : DECISION ON
Filing or 371(c) Date: 10/18/2001 : PETITION
Attorney Docket Number: :
DO-047524/P124US/10108968 :

This is a decision in response to the renewed "Petition to Revive Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a), filed.

This Petition is hereby **granted**.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due ("Notice"), mailed July 19, 2007. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on October 20, 2007. A Notice of Abandonment was mailed November 13, 2007.

The October 30, 2007 Petition

Applicant filed a petition on October 30, 2007 and asserted that the Notice was not received. In support of this assertion, Applicant filed an Affidavit of Barbara Dalbey and the Declaration of Scott Matthews.

The April 17, 2007 Decision

The petition was dismissed in a Decision mailed April 17, 2007. The Decision informed Applicant that, in addition to the statement from practitioner attesting to non-receipt of the Notice, Applicant must provide a copy of the file jacket and docket records where the nonreceived Notice would have been entered had it been received and docketed. The petition was dismissed without prejudice.

The present renewed petition

Applicant files the present renewed petition, a copy of the docket records, and the Affidavit of Barbara Dalby, Docketing Specialist for Petitioner herein, attesting to non-receipt of the Notice.

Conclusion

Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence. Accordingly, the petition is granted.

The issue fee was filed by Applicant on October 31, 2007.

The application is being referred to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


Derek L. Woods
Attorney
Office of Petitions